

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|-------------------------------|---|----------------------------------|
| ALTAGRACIA J. PEGUERO, |) | |
| Plaintiff, |) | Civil Action No. 05-10995-RCL |
| |) | |
| v. |) | JOINT MOTION OF |
| |) | PARTIES TO EXTEND |
| AMERICAN EXPRESS COMPANY, and |) | <u>DISCOVERY DEADLINE</u> |
| HEALTHEXTRAS, INC., |) | |
| Defendants. |) | |
| |) | |

Now come all parties to this litigation and respectfully request this Honorable Court issue an order extending discovery 75 days beyond the disposition of the Defendants' Motions for Protective Order and extending all other deadlines correspondingly.

AS GROUNDS FOR THE ALLOWANCE OF THIS MOTION, the parties state as follows:

1. The Plaintiff filed this case against the Defendants asserting, among other things, causes of actions for breach of contract, violation of M.G.L. c. 93A and fraud/deceit in connection with the marketing and sale of an "Accidental Disability Plan." The Court has set a factual discovery deadline of November 2, 2006.

2. HealthExtras and American Express have each filed Motions for Protective Orders, which have been opposed by the Plaintiff, concerning the scope of permissible inquiry at a scheduled 30(b)(6) depositions of HealthExtras and American Express. The depositions have been postponed until rulings have been made.

3. Because these depositions have not yet occurred, it is unknown whether information obtained in these depositions will lead to the necessity of additional discovery.

4. Because discovery cannot be completed until the Motions for Protective Orders are ruled upon, and because the designated 30(b)(6) deponents are from out-of-state and the depositions will involve travel, all parties to this matter respectfully request an additional 75 days beyond the date on which the Court issues a ruling on the motions to complete discovery. This amount of time will allow the parties sufficient time to conduct the outstanding discovery.

5. The parties further respectfully request that all scheduled deadlines be extended a corresponding amount of time to allow sufficient time after discovery is completed to meet them.

WHEREFORE, the parties to this matter, Altagracia J. Peguero, American Express Company and HealthExtras, Inc. respectfully request that this Court issue an order extending the time to complete the factual discovery in this matter until 75 days after the final disposition of the rulings on the Defendants' Motions for Protective Orders and further extending all subsequent scheduled deadlines by the same number of days as the discovery deadline.

THE PLAINTIFF,
Altagracia J. Peguero,
By her Attorney,

THE DEFENDANT,
AMERICAN EXPRESS COMPANY,
By their attorney,

/s/ Kevin Donius
Kevin Donius, Esquire
Law Offices of Kevin Donius, P.C.
424 Adams Street, Suite 100
Milton, MA 02186
TEL (617) 296-4900
FAX (617) 296-4990
BBO#: 551298

/s/ John F. Farraher, Jr.
John F. Farraher, Jr., Esq.
Greenberg Traurig, LLP
One International Place
Boston, MA 02110
TEL: (617) 310-6000
FAX: (617) 310-6001
BBO#: 568194

THE DEFENDANT,
HEALTH EXTRAS, INC.,
By their attorney,

/s/ Donald R. Pinto, Jr.
Donald R. Pinto, Jr., Esq.
Rackemann, Sawyer & Brewster, P.C.
One Financial Center
Boston, MA 02111
BBO#: 548421

Dated: October 23, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Kevin Donius